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EXAMINER

SINGH, RACHNA

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/404,163

Applicant(s)

ELO ET AL.

Examiner

Rachna Singh

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-- The MAILING DATE of this c mmunicati n appears n the c ver sheet with the correspondence address --
Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004 .
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-27 and 29-32 is/are rejected.
- 7) ☒ Claim(s) 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/2/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____ .
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____ .

DETAILED ACTION

1. This action is responsive to communications: Amendment and Response to office action filed on 6/28/04.
2. Claims 16-32 are pending. Claims 16, 31, and 32 are independent claims.

Claim Objections

3. Claim 28 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16, 18, 19, 20, 22, 24, 26, 27, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beattie et al., US Patent 5,659,742, 8/19/97.

In reference to claims 16, 26, 31, and 32, Beattie teaches a method for storing multimedia information in an information retrieval system. Beattie teaches having text information and image information. Compare to **"storing the data received from the information source"**. He teaches that information retrieval systems are designed to store and retrieve dynamic information provided by publishers of newspapers and periodicals. See column 1, lines 15-36. Compare to **"creation of a dynamic representation from data received from an information source"**.

He further teaches that information retrieval systems are designed to store dynamic information provided by publishers of newspapers and periodicals. See column 1, lines 15-36. Beattie's system takes text from a query and retrieves the image associated with that text. See abstract and columns 1 and 38-39. Beattie's system teaches receiving text information and image information from a database and presenting them in a display to the user. See columns 38-39, lines 1-5. A query is used to identifies text in the data from an information source, thus the query module is in essence acting as the "text processing module" since it is able to identify the text instance in the data. Furthermore, Beattie's system is able to retrieve an image from an image database that relates to the text instance and present the results on a display. See column 38-39. See also figure 3. See also figures 4A-4C that show a document presented with text and video information on a user's personal computer. Compare to ***"identifying at least one text instance. . . finding an image . . .relating to the least on text instance. . .generating a dynamic representation of the data from the image and the data"***. Beattie's system illustrates that it was well known in the art at the time of the invention to match an image to a particular text instance for publication of dynamic information. Beattie's system executes upon a query being generated; however one of ordinary skill in the art at the time of the invention would recognize that the claimed "text processing module" and the query module server the same purpose of identifying a text instance in the data from the information source, thus it would have been obvious to one of ordinary skill in the art at the time of the invention to interpret the

text module as a query since it is simply identifying text in data which is what a query does as well.

In reference to claims 18 and 20, Beattie teaches that the information (data) provided in the information source is related to a newspaper or periodical.

In reference to claim 19, Beattie does not specifically state that the data comprises an HTML document although he does disclose the information for electronic transmission thus it would have been obvious to one of ordinary skill in the art to have the data comprise an HTML document since it was a well known way at the time of the invention to represent information electronically.

In reference to claim 22, Beattie does not state storing the data via a file transfer protocol; however, it was notoriously well known to compress files for transmission over ftp at the time of the invention.

In reference to claims 24 and 27, Beattie teaches a method in which text and images are combined for each text instance submitted by a query. See column 38. The text is associated with the text and the image data. Thus each text instance is associated with an image and placed as a different category.

6. Claims 17, 25, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beattie et al., US Patent 5,659,742, 8/19/97, as applied to claim 16 above, in view of Livingston et al., US Patent 6,424,979 B1, 7/23/02 (filed 12/30/98).

In reference to claim 17, 25, 29, and 30, Beattie does not teach transforming the data and image into and XML object, creating an XSL style sheet, and combining the two to produce an HTML file; however, Livingston does. Livingston teaches a system

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for utilizing XML-based tools for a dynamic, web-based system called EAM. See column 4, lines 1-10. Livingston's system discloses the following:

-Separating and storing content as "atomic" units of information that can be presented and customized. This means text and graphics can be incorporated. See columns 4-5.

EAM stores information in a database which stores attributes about each unit of information (image or graphic). The attributes can take the form of XML tags and keywords thus allowing EAM to simplify the process of finding the information for each user. See columns 5-6. EAM uses XML to assemble units of information into meaningful documents. XML markup includes attributes in the database and can also contain information used in cascading style sheets or other templates for on-screen presentation. The XML file Compare to ***"transforming the data and image into an XML object saved to an XML file in a storage disk"***. EAM uses XML to create a dynamic environment on a user's screen through the use of style sheets. See column 7, lines 40-60. and column 12. Rules from style sheets are incorporated into the XML pages to render the document. See column 12. The completed XML page is translated into HTML to represent the data. Compare to ***"creating at least one XSL style sheet . . . combining an XSL style sheet with the XML file to produce a HTML file representing the dynamic representation of data."*** Livingston's stylesheet can include an XSL style sheet as it is not limited to any type. Moreover, different stylesheets represent different layouts. See column 12. Livingston further teaches converting text and graphics into tag data in an XML document. See columns 5-6. It would have been obvious to one of ordinary skill in the art to combine the teachings of

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Livingston with the system of Beattie since both are concerned with the dynamic representation of text and images. Moreover, utilizing XML objects in the system of Beattie allows the information to be presented to a user in various styles using style sheets thus making document presentation more versatile for presentation of different devices or for simply for variety in news information sources. See column 1 of Beattie and columns 5-6 of Livingston in which he teaches, "XML enables EAM to simplify the process of finding and assembling the right information for each user."

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beattie et al., US Patent 5,659,742, 8/19/97 in view of Kazi et al., US Patent 6,438,543, 8/20/02 (filed 6/17/99).

In reference to claim 23, Beattie does not teach processing names in the text; however, Kazi teaches analyzing and processing names in text. Kazi discloses that Nominator is used to extract proper names from the text document. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kazi's system with Beattie's system identify proper names since it is common to associate images with Proper names comprising of people and places. Since Beattie's system is utilized to provide images with matching text, Kazi's system can be used to further its use with the detection of Proper Names for which images are often associated.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beattie et al., US Patent 5,659,742, 8/19/97 in view of Nelson et al., US Patent 6,243,713, 6/5/01 (filed 8/24/98).

In reference to claim 21, Beattie does not teach identifying an offset and a length of each text occurrence; however, Nelson does. Nelson teaches taking into account the positions and descriptive data content such as an offset. See column 2, lines 28-64. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beattie's system with Nelson's descriptive content in order to take advantage of the fact that certain text may be present in a particular portion of a document or in proximity to another component such as an image which would aid in the matching process. See column 2.

Response to Arguments

9. Applicant's arguments filed 6/28/04 have been fully considered but they are not persuasive. Applicant argues that claims 19, 22, 24, and 27 were not addressed in the previous office action. Examiner directs Applicant to page 4 of the previous office action in which claims 19, 22, 24, and 27 have all been addressed.

Applicant argues that Beattie fails to establish a prima facie case of obviousness over 35 U.S.C. 103 (a). Specifically, Applicant argues that Examiner's statement, "it would have been obvious to one of ordinary skill in the art at the time of the invention to interpret the text module as a query since it is simply identifying text in data which is what a query does as well.", is based on subjective belief and unknown authority. Examiner respectfully disagrees. A full reading of the Examiner's rejection states, "Beattie's system executes upon a query being generated; however, one of ordinary skill in the art at the time of the invention would recognize that the claimed "text processing module" and the query module server (disclosed by Beattie) serve the same

purpose of identifying a text instance in the data from the information source, thus it would have been obvious to one of ordinary skill in the art at the time of the invention to interpret the text module as a query since it is simply identifying text in data which is what a query does as well." Applicant has taken the Examiner's statement out of context and argued a point based on only part of examiner's argument. Please see previous rejections and rejection above. Examiner maintains that the claimed text processing module and the query module disclosed by Beattie serve the same purpose of identifying a text instance in the data from the information source. This "identification of a text instance" can also be done using a query as stated in Examiner's rejections.

Applicant argues that the previous Office action states it is well known to match an image to a particular text instance. This statement is incorrect. A **full** reading of the Examiner's rejection states, "Beattie's system illustrates that it was well known in the art a the time of the invention to match an image to a particular text instance for publication of dynamic information". Examiner's previous office action further states, "Beattie's system teaches receiving text information and image information from a database and presenting them in a display to the user. See columns 38-39, lines 1-5. A query is used to identifies text in the data from an information source, thus the query module is in essence acting as the "text processing module" since it is able to identify the text instance in the data. Furthermore, Beattie's system is able to retrieve an image from an image database that relates to the text instance and present the results on a display. See column 38-39. See also figure 3. See also figures 4A-4C that show a document presented with text and video information on a user's personal computer". See page 3

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of the office action. Applicant argues “that assuming arguendo that it is well-known, it is not obvious to find an image in an image database module relating to a text instance in the data identified by a text processing module.” Examiner disagrees in view of the rejection above and the following teachings by Beattie. Beattie’s system teaches receiving text information and image information from a database and presenting them in a display to the user. See columns 38-39, lines 1-5. A query is used to identifies text in the data from an information source, thus the query module is in essence acting as the “text processing module” since it is able to identify the text instance in the data. Furthermore, Beattie’s system is able to retrieve an image from an image database that relates to the text instance and present the results on a display. See column 38-39. See also figure 3. See also figures 4A-4C that show a document presented with text and video information on a user’s personal computer.

Applicant argues that Beattie fails to disclose the creation of a dynamic representation from data received from an information source. Examiner disagrees. Beattie teaches a method for storing multimedia information in an information retrieval system. Beattie teaches having text information and image information. He teaches that information retrieval systems are designed to store and retrieve dynamic information provided by publishers of newspapers and periodicals. See column 1, lines 15-36. Compare to **“creation of a dynamic representation from data received from an information source”**. Applicant argues that Beattie teaches “a query which returns multimedia results”. While this may be true, the Applicant’s claimed invention does not differ from the features of Beattie since it is still able to create a dynamic representation

from data and it is also able to "identify text instances". Specifically, Beattie teaches a query that returns multimedia results for display on a display system. See columns 38-39, lines 1-5. Thus Beattie's system is creating a "dynamic representation from data received from an information source".

Applicant further argues that Beattie fails to disclose the storing of data received from the information source and a text processing module that identifies text instances in data and an image database module that finds an image relating to the text instance. Beattie's system teaches receiving text information and image information from a database and presenting them in a display to the user. See columns 38-39, lines 1-5. A query is used to identifies text in the data from an information source, thus the query module is in essence acting as the "text processing module" since it is able to identify the text instance in the data. See rejection above. Furthermore, Beattie's system is able to retrieve an image from an image database that relates to the text instance and present the results on a display. See column 38-39. See also figure 3. See also figures 4A-4C which show a document presented with text and video information on a user's personal computer.

Applicant argues that the query described by Beattie is not analogous to the text processing module in the present invention. Specifically, Applicant argues that the query is a search performed to find data and images while the text processing module identifies text instances in data that has already been stored. Applicant further argues that it is impossible for the query to identify text instances in stored data for representation when the data has not been identified. Examiner disagrees. A query

module is not different than the claimed text processing module. The text processing module identifies text instances in data that has already been stored. Beattie teaches an information retrieval system that is designed to store dynamic information provided by publishers. See column 1, lines 15-336. Beattie's system takes text from a query and retrieves the image associated with that text. Specifically, Beattie's system uses a query to *identify text in the data from an information source*. This is the same as identifying text instances in data that has already been stored. See column 38-39, figure 3, and figures 4A-4C.

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 571-272-4099. The examiner can normally be reached on M-F (8:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RS

1/3/05


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER